

Federal Defendants respectfully move for a three-week extension of time, to and including September 3, 2020, to file their answer to Plaintiffs' Amended Complaint (ECF No. 26), and further move to set September 23, 2020, as the deadline for Federal Defendant United States Fish and Wildlife Service ("FWS") to lodge its administrative record with the Court.

Under Local Rule 16-3, a party requesting modification of a court-imposed deadline must: "(1) Show good cause why the deadlines should be modified. (2) Show effective prior use of time. (3) Recommend a new date for the deadline in question. (4) Show the impact of the proposed extension on other existing deadlines, settings, or schedules." LR 16-3(a).

Good cause for the proposed modifications exist because the Amended Complaint filed on July 30, 2020, added FWS as a party and added three new claims. *See* Am. Compl. ¶¶ 131-66, ECF No. 26. An extension of the answer deadline is thus necessary to allow the newly added Federal Defendant, FWS, adequate time to fully analyze and respond to the allegations, and to allow Federal Defendant Bureau of Land Management ("BLM") adequate time to respond to the new claims. Further, because FWS was not named as a party when the Court entered the current Scheduling Order for this case (ECF No. 25), the schedule only addresses BLM's deadline for lodging its administrative record and must be modified to provide a corresponding deadline for FWS's administrative record. FWS has reviewed the Amended Complaint and indicated that it will be able to compile and lodge its administrative record by September 23, 2020.

BLM has made effective use of prior time by beginning to prepare its response to the original allegations, but FWS was not party to the lawsuit until July 30, 2020, and thus requires additional time to respond. This motion, if granted, will not impact any other existing deadlines. The proposed new answer date and the proposed date for FWS to lodge its Administrative Record both precede all previously set deadlines in this case, including briefing deadlines. The

parties have conferred about the requested extension and modification of the Scheduling Order, and Plaintiffs and Intervenor-Defendant do not oppose the motion. As such, the proposed changes will not prejudice Plaintiffs or Intervenor-Defendant. If granted, this motion will result in the following modifications to the Court's July 28, 2020 Scheduling Order (ECF No. 25):

1. Federal Defendants must file an answer to Plaintiffs' Amended Complaint by **September 3, 2020**.
2. FWS will lodge its Administrative Record with the Court by **September 23, 2020** and may lodge the Administrative Record on electronic media (e.g., thumb drive), rather than filing it on CM-ECF.

A proposed order granting this motion is attached to this motion and will be emailed to Chambers.

Respectfully submitted on this 5th day of August, 2020.

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